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October 6, 2015

Kathi Moore, SFD-7-5
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Response to EPA's Request for Information- Cerrillos Land Company and
Mineral Rights, Haystack Mines Site, McKinley County, New Mexico

Dear Ms. Moore:

Enclosed, please find Newmont USA Limited's written responses to the United States Environmental Protection Agency's July 31, 2015 request for information pursuant to section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the Haystack Mines Site, McKinley County, New Mexico. Newmont has enclosed responsive documents along with its written responses. A small number of additional responsive documents require more time to copy due to their age and fragile condition, therefore they will be produced on or about October 9, 2015.

Please feel free to contact me should you have any questions.

Sincerely,



Joseph G. Middleton

JGM/gg
Enclosure



Newmont Mining Corporation
1655 Mountain City Highway
Elko, Nevada 89801-2800
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F 775.778.2513
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October 7, 2015

Kathi Moore, SFD-7-5
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
moore.kathi@epa.gov

Re. Response to EPA's Request for Information- Cerrillos Land Company and Mineral Rights, Haystack Mines Site, McKinley County, New Mexico

Dear Ms. Moore:

Newmont USA Limited (hereinafter "Newmont") is responding to the United States Environmental Protection Agency's ("EPA") July 31, 2015 Request for Information pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e) (the "Request"), for the Haystack Mines Site (the "Site"), McKinley County, New Mexico. The specific responses to the Request are set forth below.

Documents responsive to the Request are enclosed with these written responses. Newmont has also identified a small number of additional documents that, due to their age and fragile condition, require additional time to copy. Newmont anticipates that it will be able to provide EPA with copies of these additional documents by October 9, 2015.

On March 13, 2007, Newmont responded to EPA Region IX's Section 104(e) Request for information in Connection with the Northeast Church Rock Uranium site operated by United Nuclear Corporation in McKinley County, New Mexico. Newmont responded to an additional 104(e) request related to the Navajo Nation Abandoned Uranium Mine Sites on December 9, 2008. To the extent that EPA's previous Requests sought information about properties corresponding to the Haystack Mines Site as described in EPA's current Request, Newmont incorporates by reference its previous responses, as well as any documents it provided to EPA, made available to EPA or otherwise produced to EPA in response its earlier 104(e) Requests. Newmont has conducted an extensive search for documents that may be responsive to the Request. In the event that additional responsive documents in Newmont's possession as of the date of the Request are located, they will be produced to EPA.

Neither Newmont's responses nor the documents provided with these responses constitute an admission by Newmont of liability with respect to the Site, nor any admission or representation concerning the conditions on or surrounding the Site or any acts or omissions of any persons concerning the Site. Newmont's production of documents does not constitute an admission by Newmont that the

contents of the documents provided are true, correct, or accurate, nor does it constitute an admission that the documents are authentic for the purposes of admissibility in any judicial or administrative proceeding. Newmont denies that it has any liability relating to any releases or threatened releases at the Site.

Based upon information available to it, Newmont responds as follows:

I. General Objections

2. Newmont objects to the Requests on the grounds that they are vague and ambiguous.
2. Newmont objects to the Requests on the grounds that they are overbroad and unduly burdensome.
3. Newmont objects to the Requests to the extent that they seek information or documents that are protected under the attorney-client privilege, the work product doctrine or any other available privilege or protection.
4. Newmont objects to the Requests to the extent they call for legal conclusions.
5. Newmont objects to the Requests to the extent that they attempt to impose upon Newmont an obligation to obtain information from third parties where the law does not impose such an obligation.
6. Newmont objects to the Requests to the extent they seek to require the production of information beyond the scope permitted by 42 U.S.C. § 9604(e). Under section 9604(e), the President may only request information relating to (1) the identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at the facility, or transported to a facility; (2) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility; or (3) the ability to pay for or perform a cleanup. *See* 42 U.S.C. § 9404(e)(2).
7. Newmont objects to all questions which require Newmont to “identify” and “explain” the documents that may be responsive; the documents Newmont is producing speak for themselves.

II. Objections to Instructions and Definitions

1. Newmont objects to EPA’s Definitions and Instructions because they fail to define the Haystack Mines Site. EPA’s general description of the Haystack Mines Site on page one of the Request and the map of the Site provided Attachment 1 are also vague and ambiguous.
2. Newmont objects to EPA’s Definitions and Instructions because they fail to define the term “mineral rights,” which is used in the majority of its specific questions.

3. Newmont objects to the definitions of "you" as overly broad, vague and ambiguous. The entity responding to these requests is Newmont USA Limited.

4. Newmont objects to the definition of "property" as overly broad, vague and ambiguous.

5. Newmont objects to all definitions of "identify" as overly broad and unduly burdensome.

6. Newmont objects to the definition of "document" as vague overly broad and unduly burdensome.

III. Responses

Newmont specifically incorporates each and every one of its General Objections and Objections to Instructions and Definitions into each of the responses below, as if fully set forth therein. Newmont reserves the right to amend its answers if and when additional information becomes available which is relevant to this Request.

DIRECTIONS

Please identify those individuals who assisted in the preparation of this information response. For each individual, provide the following: name, current or last known address and telephone number, dates of employment, and current and former job titles.

If you have any reason to believe that there may be other persons able to provide a more detailed or complete response to any part of this information request or who may be able to provide additional responsive documents, please identify such persons, including their last known addresses and telephone number.

Response to Directions:

The following individuals assisted in the preparation of this information response:

Jim Dodds
Newmont USA Limited
1655 Mountain City Hwy.
Elko, NV 89801

David Dehlin
Newmont USA Limited
6363 S. Fiddler's Green Circle
Greenwood Village, CO 80111

Scott W. Hardt, Esq.
Joseph G. Middleton, Esq.
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1900 Wazee St. #303
Denver, CO 80202
(303) 292-4922

Newmont is not aware whether there are other persons able to provide a more detailed or complete response to any part of this information request.

QUESTIONS

Question No. 1:

Please provide any documents related to the ownership of the mineral rights associated with Section 19, Township 13N, Range 10W, in McKinley County, New Mexico, including but not limited to ownership by Newmont USA Limited or its predecessors, successors, or affiliates.

Response to Question No. 1:

Newmont specifically objects to Question No. 1 on the bases that the phrase "mineral rights associated with" the relevant property is vague, ambiguous and undefined. Newmont further objects to Question No. 1 because the terms "predecessors," "successors," and "affiliates" are vague and undefined, and call for legal conclusions. Subject to and without waiving any of its objections, Newmont states that it is producing, with these responses, the documents it has located which relate to the ownership of mineral rights in Section 19, Township 13N, Range 10 W, in McKinley County, New Mexico (hereinafter, the "Section 19 Property").

Question No. 2:

Please confirm whether or not Newmont USA Limited or its predecessors, successors or affiliates now own or have owned at any time the mineral rights described in Question 1, and provide any documentation in your possession that identifies what corporate entity owns the mineral rights.

Response to Question No. 2:

Newmont specifically objects to Question No. 2 on the basis that the phrase "mineral rights associated with" the Section 19 Property is vague, ambiguous and undefined. Newmont further objects to Question No. 2 because the terms "predecessors," "successors," and "affiliates" are vague and undefined, and call for legal conclusions. Subject to and without waiving any of its objections, Newmont states that it reasonably believes that its wholly-owned subsidiary, Newmont Realty Company, is a current owner of

mineral rights in the Section 19 Property. However, Newmont has been unable to fully confirm the current ownership of the mineral rights in the Section 19 Property. Newmont is providing, with these responses, the documents it has located which are responsive to Question No. 2.

Question No. 3:

Please describe and provide any documents related to operations conducted by Newmont USA Limited or its predecessors, successors, or affiliates related to uranium exploration and or mining at Section 19, Township 13N, Range 10W in McKinley County, New Mexico.

Response to Question No. 3:

Newmont specifically objects to Question No. 3 because the terms “predecessors,” “successors,” and “affiliates” are vague and undefined, and call for legal conclusions. Subject to and without waiving any of its objections, Newmont states that, between approximately 1950 and 1954, Santa Fe Pacific Railroad Company (“SFPR”) engaged in a brief exploration program on certain lands described as the “Haystack” area located within the Section 19 Property. In 1952, Haystack Mining and Development Company (“HMDC”) began to mine certain portions of the Section 19 Property it had leased from SFPR. HMDC’s operations at the Section 19 Property appear to have continued until at least 1958.

During early 1950s, employees of Newmont Mining Company undertook general reconnaissance of various uranium producing properties in New Mexico and Arizona, including the Section 19 Property. In 1950, Newmont Mining Company obtained assays of geologic samples from several uranium properties, including one sample taken from the “Alfred Hutton Claim” located within the Section 19 Property.

In 1993, SFPR received approval from the State of New Mexico for prior reclamation efforts undertaken by third parties at property leased for uranium exploration and mining, some of which was within the Section 19 Property and formerly operated by the Todilto Exploration & Development Corporation and/or Reserve Oil and Minerals Corporation. Documents responsive to Question No. 3 are being produced with these responses.

Question No. 4:

Please describe any plans for use of the mineral rights at Section 19, Township 13N, Range 10W in McKinley County, New Mexico, including but not limited to exploration, development, and mining of uranium ore. Please provide any documents associated with such plans.

Response to Question No. 4:

Newmont specifically objects to Question No. 4 on the basis that the phrase “plans for use of the mineral rights” is vague, ambiguous and undefined. Subject to and without waiving any of its objections,

Newmont states it has interpreted Question No. 4 to relate only to current or future plans for the use of mineral rights. Newmont is unaware of any specific current or future plans for the use of mineral rights in the Section 19 Property. However, on July 10, 2003, Newmont Realty Company granted a lease to Prize Energy Resources, LP, a Delaware Corporation, which, for a 50 year term, conveyed the right to explore, mine, drill and operate for the production of oil, gas, casinghead gas and all other gaseous or liquid hydrocarbon substances and all mineral substances produced in or in association with such operations, for certain property in New Mexico, including the Section 19 Property. Documents responsive to Question No. 4 are being produced with these responses.

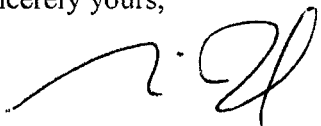
Question No. 5:

Please describe the corporate relationship between Newmont USA Limited and Santa Fe Pacific Railroad Company, and provide any documents that describe such relationship.

Response to Question No. 5:

Subject to and without waiving any of its objections, Newmont states that it has no corporate relationship with Santa Fe Pacific Railroad Company.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'G. Jangard', is written over the signature line.

Gavin Jangard, Vice President and Legal Counsel
Newmont USA Limited

UNSCANNABLE MEDIA

To use the unscannable media document # 2334364
contact the Region 9 Regional Records Center – Superfund Division